

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SCOTT L. BAENA, Litigation Trustee of	:	
the Lernout & Hauspie Speech Products,	:	
N.V. Litigation Trust,	:	04-CV-12606-PBS
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
KPMG LLP and	:	
KLYNVELD PEAT MARWICK	:	
GOERDELER BEDRIJFSREVISOREN,	:	
	:	
Defendants.	:	

**ASSENTED TO MOTION TO FILE REPLY MEMORANDUM OF LAW
IN SUPPORT OF DEFENDANT KPMG-B'S MOTION TO DISMISS THE COMPLAINT**

Defendant Klynveld Peat Marwick Goerdeler Bedrijfsrevisoren (“KPMG-B”) hereby moves for leave of this Court to file a Reply Memorandum in support of KPMG-B’s Motion to Dismiss the Complaint. As grounds for this Motion, KPMG-B states:

1. KPMG-B filed its motion to dismiss the Complaint in this action, with supporting papers, on January 7, 2005 (docket no. 38.)
2. The Court originally set a hearing date on KPMG-B’s motion to dismiss for February 2, 2005.
3. To accommodate the parties previously agreed-to briefing schedule, Plaintiff and KPMG-B jointly requested to reschedule the hearing date (docket no. 50.) The Court granted that motion and rescheduled the hearing on KPMG-B’s motion to dismiss for March 4, 2005 at 3:00 p.m.

4. Pursuant to the parties' agreement, and the relief granted by the Court, Plaintiff filed opposition papers to KPMG-B's motion to dismiss on February 11, 2005 (docket no. 55), and filed separate opposition papers to KPMG LLP's motion to dismiss on that same date (docket no. 57.).

5. In agreeing on a briefing schedule in this matter, Plaintiff agreed that KPMG-B could file a reply brief on this date (see Joint Motion to Reschedule Hearing Date, docket no. 50, ¶ 6.). Plaintiff's counsel, David W. Trench, confirmed by telephone on February 24, 2005 that he consents to the relief sought by KPMG-B in this Motion.

6. KPMG-B submits that the Reply Memorandum will assist the Court in clarifying and narrowing the legal issues to be decided on its motion to dismiss.

WHEREFORE, KPMG-B respectfully requests that this Court allow KPMG-B to file its Reply Memorandum in support of its motion to dismiss.

Respectfully submitted

Of Counsel
HOGAN & HARTSON LLP
By: /s/ Nicholas W.C. Corson
George A. Salter
Nicholas W.C. Corson
875 Third Avenue
New York, NY 10022
(212) 918-3000

Michael J. Stone, Esq.
PEABODY & ARNOLD
30 Rowes Wharf
Boston, MA 02110
(617) 951-4702

Counsel for Klynveld Peat Marwick Goerdeler Bedrijfsrevisoren

Certificate of Service

I, Nicholas W.C. Corson, hereby certify that on February 25, 2005, I caused a true copy of KPMG-B's Motion for Leave to File a Reply Brief in support of its motion to dismiss the complaint, together with the supporting Declarations of Michel Desaive and Nicholas W.C. Corson to be electronically filed and served upon the following counsel of record by electronic mail and by first-class U.S. mail:

/s/ Nicholas W.C. Corson

<p>Joel G. Beckman, Esq. Nystrom Beckman & Paris LLP 10 St. James Avenue, 16th Floor Boston, MA 02116 Phone: (617) 779-9100 Fax: (617) 778-9100 jbeckman@nbparis.com</p> <p><i>Attorneys for Plaintiff Scott L. Baena</i></p>	<p>David W. Trench, Esq. Scott G. Klein, Esq. Bilzin Sumberg Baena Price & Axelrod LLP 200 South Biscayne Boulevard, Suite 2500 Miami, FL 33131 Phone: (305) 350-2359 Fax: (305) 351-2261 dtrench@bilzin.com sklein@bilzin.com</p> <p><i>Attorneys for Plaintiff Scott L. Baena</i></p>
<p>Kevin Lesinski Kristin McGurn Seyfarth Shaw World Trade Center East Two Seaport Lane, Suite 300 Boston, MA 02110 Phone: (617) 227-5020 Fax: (617) 946-4801 klesinski@seyfarth.com kmcgurn@seyfarth.com</p>	<p>Michael P. Carroll Michael S. Flynn Suong T. Nguyen Davis Polk & Wardwell 450 Lexington Avenue New York, NY 10017 Phone: (212) 450-4000 Fax: (212) 450-3800 mcarroll@dpw.com mflynn@dpw.com nguyen@dpw.com</p> <p><i>Attorneys for Defendant KPMG LLP</i></p>